Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of	)	
	)	
Petition for Rulemaking by	)	
	)	
SSR Communications, Inc.	)	RM-11643
	)	
Amendment of Section 73.215 of the	)	
Commission's Rules related to	)	
Contour Protection for Short Spaced	)	
FM Assignments	)	

TO: The Secretary
Attention: Audio Division, Media Bureau

JOINT STATEMENT OF
BEASLEY BROADCAST GROUP, INC.,
BRYAN BROADCASTING CORPORATION,
CLEAR CHANNEL COMMUNICATIONS, INC.,
DELMARVA BROADCASTING COMPANY,
MERLIN MEDIA LICENSE, LLC, AND
RADIOACTIVE, LLC

October 28, 2011

SUMMARY

Beasley Broadcast Group, Inc., Bryan Broadcasting Corporation, Clear Channel Communications, Inc., Delmarva Broadcasting Company, Merlin Media License, LLC, and Radioactive, LLC (collectively, the "Joint Commenters") strongly oppose the rule changes proposed in the Petition for Rulemaking by SSR Communications, Inc. (the "Petition") as such changes would be detrimental to the non-reserved FM band and the public interest.

The Petition requests three changes: (1) eliminate the need to specify theoretical fully-spaced allotment/assignment coordinates for non-reserved FM minor modification applications; (2) modify Section 73.215 to allow contour protection only to existing facilities, not maximum class facilities, for all non-reserved FM band stations (not just those authorized under 73.215); and (3) eliminate the minimum spacing distances in Section 73.215(e).

Together, the Petition's proposals will only serve to allow increased contours by existing stations, particularly into metropolitan markets, while foreclosing opportunities for new stations at unserved communities, low power FMs and innovative uses of existing spectrum.

When the Commission has permitted channel, class or community modifications to be accomplished by the filing of a minor modification Form 301, the Commission has adhered to minimum distance spacing requirements in Section 73.207. However, if, as requested by the Petition, a modification application was filed to change a non-reserved FM band station's channel, class or community without specifying fully-spaced coordinates, the minimum spacing system at the heart of the non-reserved FM band would soon be dismantled.

As recognized by the Commission, a contour protection system is an inefficient use of spectrum. While more individual stations serving a small area can be "squeezed-in" using

contour protection as the spacing scheme, the total area which receives productive service will be less than under a system where stations are protected according to their class of service, as with the current minimum distance spacing system.

Moreover, the Commission has rejected a pure contour protection spacing system in the past because existing stations would be forever limited to their existing facilities. Stations forced off their current sites could be faced with downgrading service and/or class as they would not have the cushion of protection to the class maximum contour. Auction winners who have not maximized their stations will likewise face being frozen at the station's existing contour.

Furthermore, the Commission has acknowledged that a contour protection system runs counter to the goal of authorizing local outlets for as many communities as possible. The Petition's proposal would squeeze out opportunities for new allotments to unserved communities, particularly in those areas abutting metropolitan centers and the rural areas beyond. Among those services that would be squeezed out under the Petition's proposal would be low power FM stations and FM translators. Opportunities for innovative, spectrum-efficient uses of the non-reserved FM band would also be restricted.

Lastly, the Commission should not eliminate the spacing table in Section 73.215(e). Given the imperfection of predicted contours on which contour protection is based, the spacing table in Section 73.215(e) serves as a critical safety valve to Section 73.215 authorizations by providing necessary breathing room between short-spaced stations.

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Beasley Broadcast Group, Inc., Bryan Broadcasting Corporation, Clear Channel Communications, Inc., Delmarva Broadcasting Company, Merlin Media License, LLC, and Radioactive, LLC (collectively, the "Joint Commenters") hereby submit this Joint Statement in opposition to the Petition for Rulemaking by SSR Communications, Inc. ("Petitioner"), received by the Commission on August 8, 2011 (the "Petition"). 1 The Joint Commenters, who are current licensees of non-reserved band FM stations, strongly oppose the rule changes proposed by the Petition, as on the whole, the proposed alterations would be to the detriment of the non-reserved FM band and the public interest.

There are three stated parts to the Petition, and while the amendment of only one rule, 47 C.F.R. Section 73.215, is specified in the Petition, many other well-established rules would be impacted, and in some instances, eviscerated, by the Petition's proposal. The three stated changes are: (1) eliminate the need to specify theoretical fully-spaced allotment/assignment coordinates for non-reserved FM minor modification applications; (2) modify Section 73.215 to allow contour protection only to existing facilities, not maximum class facilities, for all non-reserved FM band stations (not just those authorized under 73.215); and (3) eliminate the minimum spacing distances in Section 73.215(e). Together, the Petition's proposals will only serve to allow increased contours by existing stations, particularly into metropolitan markets, while foreclosing opportunities for new stations at unserved communities, low power FMs and innovative uses of existing spectrum.

I. THE PROPOSAL TO ELIMINATE FULLY-SPACED ALLOTMENT/ ASSIGNMENT COORDINATES FOR NON-RESERVED FM BAND MINOR MODIFICATION APPLICATIONS WOULD EVISCERATE THE LONG-STANDING FM SPACING SYSTEM TO THE DETRIMENT OF THE PUBLIC

The Petition proposes that the Commission remove the requirement in FCC Form 301 (Application Construction Permit for Commercial Broadcast Station) that fully-spaced allotment or assignment coordinates be specified for certain minor modification applications by non-reserved FM band stations. Petitioner finds this requirement, which currently applies to minor modification applications proposing a change in channel, class or community of license, [2] to be an unnecessary hindrance to Section 73.215 contour protection applications. However, if a modification application was filed to change a non-reserved FM band station's channel, class or

1 Statements in opposition or support of the Petition were solicited by the Commission by *Public Notice*, Report No. 2934 (rel. Sep. 28, 2011).

community without specifying fully-spaced coordinates, as currently required by Sections 73.203 and 73.3573 of the Rules, 3 the minimum spacing system at the heart of the non-reserved FM band would soon be diminished to the point of obliteration. 4

The Commission has had many opportunities to revisit the minimum distance spacing system, and has, while fine-tuning its processes, remained steadfast in its commitment to minimum separations. In 1998, the Commission explained: "The original Section 73.207 mileage separation rules were adopted as 'the best means for achieving an orderly, efficient, and effective development of the commercial FM broadcast service.' …The Commission has long

2 It is unclear if the Petitioner is suggesting that all minor modification applications – including those to change community of license – should be spared the requirement of specifying fully-spaced allotment/assignment coordinates.

3 The need to specify a fully-spaced allotment/assignment site for minor modification applications to change channel, class or community of license is not just an obligation that somehow made its way into FCC Form 301, as implied by the Petitioner, but is a specific requirement set forth in more than one non-reserved FM band rule. Section 73.203 provides: "This section is limited to non-reserved band changes in channel and/or class and/or community. Applications requesting such changes must meet either the minimum spacing requirements of §73.207 at the site specified in the application, without resort to the provisions of the Commission's rules permitting short spaced stations as set forth in §§73.213 through 73.215, or demonstrate by a separate exhibit attached to the application the existence of a suitable allotment site that fully complies with §§73.207 and 73.315 without resort to §§73.213 through 73.215." 47 C.F.R. §73.203 (Note). In addition, Section 73.3573(g)(4), which applies to minor modification community of license changes, provides "Non-reserved band applications must demonstrate the existence of a suitable assignment or allotment site that fully complies with Sections 73.207 and 73.315 without resort to Sections 73.213 or 73.215." And Note 1 to Section 73.3573 states: "Applications to modify the channel and/or class to an adjacent channel, intermediate frequency (IF) channel, or co-channel may utilize the provisions of the Commission's Rules permitting short spaced stations as set forth in §73.215 as long as the applicant shows by separate exhibit attached to the application the existence of an allotment reference site which meets the allotment standards, the minimum spacing requirements of §73.207 and the city grade coverage requirements of §73.315."

4 At present, the non-reserved FM band minimum distance spacing requirements are set out in Section 73.207 of the Rules and reflected in Section 73.202, FM Table of Allotments, for vacant allotments, and the Commission's CDBS database for authorizations and reserved assignments. *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212, 14222 [¶ 15] (2006) ("*Changes of Community of License Report and Order*").

held that 'strict enforcement of the mileage separation rules is of paramount importance to the integrity of the entire FM assignment plan.'" 5

Thus, even when the Commission has permitted channel, class or community modifications to be accomplished by the filing of a minor modification Form 301 (in lieu of a two-step process of first amending the Table of Allotments, then filing a Form 301), in every instance, the Commission has continued to adhere to minimum distance spacing requirements. For example, when the Commission authorized one-step upgrade and modification applications on the same or exclusive adjacent channels, the Commission emphatically imposed the requirement that the Petitioner now seeks to obviate: "We conclude that it is in the public interest to preserve the benefits of the current system by preventing the allotment of channels that would not meet our present allotment standards. The preservation of those allotment standards is necessary to prevent overcrowding and to promote a more even distribution of stations. … all applicants using the one-step process must also demonstrate that a suitable site exists which would comply with allotment standards with respect to minimum distance separation and city-grade coverage." 6 The Commission emphasized: "In this regard, we wish to make our intentions abundantly clear. Where a station seeks a modification using the one-step process, and is unable to demonstrate that a suitable site exists that would meet allotment standards for the

5 *Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 13 FCC Rcd 14849, 14860 [¶ 24] (1998) *(citing Greater Media, Inc.*, 59 FCC 2d 796, 797 (1976) and *ECI License Company, L.P. (WYUU)*, 11 FCC Rcd 3545, 3546 (MMB 1996) *aff'd*, 106 F.3d 442 (D.C.Cir. 1996)) (spacing rules "adopted in part to promote a fair distribution of FM service across the country, as required by 307(b) of the Communications Act, avoiding undue concentration of stations in urban areas (particularly major markets)") (citations omitted), *aff'd*, 106 F.3d 442 (D.C.Cir. 1996).

6 *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application*, 8 FCC Rcd 4735, 4737 [¶ 13] (1993).

station's channel and class, that application would be dismissed, even if the facilities which the applicant intends to build would otherwise comply fully with Commission standards." 7

And in 2006, when the Commission authorized one-step Form 301 applications for community of license changes and streamlined the Table of Allotments, again it insisted on maintaining its bedrock principle of conformance to the minimum distance separation standards. 8

That bedrock foundation was established in 1962 when the Commission imposed minimum distance spacing requirements for the non-reserved FM band. 9 Prior to that date, the Commission had experimented with a contour protection system (such as used for AM and the reserved FM band), 10 but problems developed under that system even at that early stage of FM development. For example, under the pre-1962 interim contour protection system, the Commission found that "FM assignments have been concentrated to a great extent in the larger cities and surrounding metropolitan areas, precluding in many instances the making of Class B assignments, or even lower-power Class A assignments, in other communities in the same area." 11 Thus, the Commission found that the contour based process "has worked to prevent achievement of the … provision of local outlets for as many communities as possible." 12

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7 *Id.* [¶ 14].

8 *Changes of Community of License Report and Order*, 21 FCC Rcd at 14218 [¶ 10].

9 *Revision of FM Broadcast Rules*, 40 F.C.C. 662 (1962) ("*First Report and Order*").

10 *Id.* at 672 [¶ 27] (protection to existing contours was the interim processing procedure prior to 1962).

11 *Id*. at 665 [¶ 5].

12 *Id*.

Another downside of a contour protection system (termed a "squeeze-in" system by the Commission), 13 is its relative inefficiency. The Commission explained, in regard to existing co- and adjacent channel stations: "any new assignment creates interfering signals over much greater distances than the extent of its service area—thus creating islands of service in the midst of seas of interference….There comes a point of diminishing returns beyond which additional assignments on a channel, even though nominally protecting the … contour of existing stations, result in over-all inefficiency of use." 14

Thus, while more individual stations serving a small area can be "squeezed-in" using contour protection as the spacing scheme, the total area which receives productive service will be less than under a system where stations are protected according to their class of service. For each contour protected station squeezed in, an area larger than the service area it provides for is created where no service on that or adjacent channels can be provided at all. This fact is exemplified by comparing the relative service and the relative interference ratios of Class A and Class C facilities at maximum facilities. An interference free service is provided by a Class C facility to an area of 26,475 square kilometers ("km²"), while a Class A station will serve an area of 2,516 km², an approximate 10 to 1 ratio. However, the interference caused by the Class A facility is not 1/10 that of that of a Class C: a Class C station will cause interference to 122,914 km², while the Class A will produce an interference area of 23,615 km², a 1/5 ratio, or half as efficient as the Class C. Dismantling of the minimum spacing system would result in many small and interference-ridden signals rather than high quality services. Clearly, as to the

13 *Id*. at 673 [¶ 29].

14 *Id*.

physics, which have not changed since 1962, a contour protection scheme is an inefficient use of the public spectrum. 15

Another key concern of the Commission when it rejected a contour protection system in 1962 was the deleterious impact on operating stations from such a system: "existing stations (both those now in existence, and those which might be authorized … under such a system) would be forever limited to their existing facilities…." 16

The fundamental goals outlined in 1962 have not changed in the intervening decades: to provide service to all of the nation, to provide as many program choices to as many communities as possible, and to foster local origination from as many communities as possible. 17 Unfortunately the legacy of those early stage, contour-based failures live on with us today in the form of the overcrowded and interference plagued northeast region and other areas of the United States.

Without saying so much in words, Petitioner's proposal to eliminate the requirement to specify fully-spaced allotment/assignment coordinates for minor modifications, would, as each new application is implemented without fully-spaced coordinates, chip away at the minimum spacing system memorialized in Sections 73.202, 73.203, 73.207, 73.208, and 73.209 of the Commission's Rules, and inexorably revert the non-reserved FM band to a pure contour protection system. As explained by the Commission in 1962, and adhered to in many

15 Nor have the physics changed since 1983, when Commission Quello stated in his Dissent in Docket No. 80-90: "I believe it is a rule of physics, not of this Commission, that a new station causes interference far beyond the boundaries of new service." *FM Broadcast Stations (Additional Commercial Allocations)*, 94 FCC 2d 152 (1983) (Dissenting Statement of Commissioner Quello).

16 *First Report and Order* at 673 [¶ 29].

17 *Id.* at 664 [¶ 5].

subsequent visitations in the intervening years, the minimum spacing system best furthers the Commission's diverse goals for audio service.

II. THE PROPOSAL TO PROTECT NON-RESERVED FM BAND STATIONS NOT AUTHORIZED PURSUANT TO SECTION 73.215 TO ACTUAL PREDICTED, IN LIEU OF MAXIMUM CLASS, CONTOURS WOULD UNFAIRLY IMPACT EXISTING STATIONS, IMPEDE NECESSARY RELOCATIONS, UNDERMINE AUCTION VALUES, DIMINSH LPFM OPPORTUNITIES AND LIMIT FUTURE INNOVATIVE AND SPECTRUM-EFFICIENT USES

That the Petitioner's true goal is the abandonment of the minimum distance spacing system for a contour based one is clear from its proposal that all non-reserved FM band stations – not just those authorized pursuant to Section 73.215 – would be protected only to the station's actual contour (as predicted by the F(50,50) contour methodology). Thus, the Petition's proposal would replace the current rule that non-Section 73.215 authorized stations are protected to the maximum predicted contour for their class. While Petitioner poses this request as merely a modification of Section 73.215(b)(2)(ii), in fact, if this proposal were adopted, Section 73.207, the heart of the minimum spacing system, would be rendered irrelevant for modifications.

The Commission made a decision which "balances the needs of licensees for site flexibility with the reasonable expectations of other licensees and the listening public," 18 when it permitted contour protection for modifications pursuant to Section 73.215, while continuing to protect fully-spaced stations to their class maximums. In the *Report and Order* adopting the contour protection rule, the Commission emphasized that "under the short-spacing rules adopted herein, all existing fully spaced stations will continue to be afforded protection based on the presumed use of the maximum ERP and reference HAAT for their station class. Consequently,

18 *Amendment of Part 73 of the Commission's Rules to Permit Short-Spaced FM Station Assignment by Using Directional Antennas,* 6 FCC Rcd 5356, 5357 [¶ 11] (1991) (citing petition for reconsideration in support of rule changes) .

the upgrade potential for the vast majority of stations will be unchanged." 19 As a consequence, stations licensed without use of Section 73.215 have an expectation of protection to maximum facilities and standard radio receivers in the hands of consumers have been engineered to reflect that reality.

While Petitioner makes oft reference to the concept that the FM service is "mature" and thereby asserts that existing non-reserved FM band stations can be presumed to have maximized their facilities by now, the service is not "mature" or stable for the many stations authorized more recently via changes in class definitions that allowed for new station opportunities. And for those new non-reserved FM band stations authorized following auctions, the service is hardly mature, as auctions for non-reserved FM band permits have been conducted mostly during the new millennium, including auctions in 1999, 20 in 2004, 21 in 2006, 22 in 2007, 23 in 2009, 24 in 2010, 25 and in 2011, 26 and looking forward, Auction No. 93 proposed for March 2012. 27 After paying often significant sums to the U.S. Treasury in exchange for protected service contours at the FM class maximums, many of these auction permittees and licensees, particularly those battling the periods of economic recession experienced during these times, reasonably could have forestalled the costly implementation of maximum facilities. These

19 *Amendment of Part 73 of the Commission's Rules to Permit Short-Spaced FM Station Assignment by Using Directional Antennas,* 4 FCC Rcd 1681, 1684 [¶ 26] (1989).

20 Closed Auction No. 25 (115 FM construction permits).

21 Auction No. 37 (258 FM construction permits).

22 Auction No. 62 (163 FM construction permits).

23 Auction No. 68 (9 FM construction permits) and Auction No. 70 (111 FM construction permits).

24 Auction No. 79 (85 FM construction permits).

25 Closed Auction No. 88 (12 FM construction permits).

26 Auction No. 91 (108 FM construction permits).

27 (123 FM construction permits).

auction winners should not have their paid-for ability to maximize their facilities stripped by limiting the station's protection only to its implemented predicted contour even when the station has not availed itself of Section 73.215 spacing, as proposed by the Petitioner. Furthermore, if such protection is taken away, the bidding amounts for construction permits at upcoming auctions can be expected to decline as the flexibility for successful bidders would be circumscribed by the Petition's proposal.

Moreover, even "mature" non-reserved FM band licensees would be harmed by the proposal to protect only implemented predicted contours. As noted above, when the Commission adopted the minimum spacing paradigm in 1962, the Commission rejected a pure contour protection system in part because "existing stations (both those now in existence, and those which might be authorized … under such a system) would be forever limited to their existing facilities…." 28 Even in a so-called "mature" service, the term of a tower lease rarely extends for the lifetime of a broadcast station, and landlord desires to redevelop broadcast tower land to more lucrative uses, or to extract exorbitant rents from captive broadcasters, can be expected to force relocations of "mature" broadcast facilities. However, if all non-reserved FM band stations were hemmed in by other stations right up against the station's predicted protected contour, as would be the case under the Petition's proposal, stations that must relocate can expect to be faced with service and class reductions, to the detriment of the listening public. Thus, rampant contour protection engineering will lead to the inability to relocate non-reserved FM band stations. And for those stations that, for reasons including downturns in the general economy and the advertising sector, have not maximized facilities, such opportunities soon would be lost.

28 *First Report and Order*, 40 F.C.C. at 673 [¶ 29].

The "squeezing in" of service under a contour protection system as favored by Petitioner, can also be expected to "squeeze out" opportunities for new allotments to unserved communities, particularly in those areas abutting metropolitan centers and the rural areas beyond. As the Commission is well aware and has addressed in proceedings such as its *Rural Radio Service* rulemaking, 29 stations have a tendency to migrate towards metropolitan centers. The minimum distance separation requirements help space out station opportunities, and thus preserve options to serve rural and independent suburban communities. An across-the-board contour protection system, as proposed, would allow stations to congregate even more than today in metropolitan areas. Indeed, the Petitioner all but admits that its proposal will provide a run-around of the *Rural Radio Service* changes. 30

The Petition's proposal also would be contrary to the Local Community Radio Act of 2010 31 and the efforts of the Commission to promote low power ("LPFM") opportunities. Among those facilities that would be squeezed out under the Petitioner's proposal, would of course, also be LPFM stations, as non-reserved FM band stations expand into the spaces now existing under, and fostered by, the minimum distance spacing requirements. 32

The breathing room provided by the minimum distance spacing system has allowed the Commission to implement novel uses as they develop over time while preserving

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29 *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures,* 26 FCC Rcd 2556 (2011) ("*Rural Second R&O*").

30 Petition at 6-7 (the "same non-reserved band stations" prohibited from modifications by the new Rural Radio standards would be able to implement service increases under the Petition's proposal).

31 Local Community Radio Act of 2010, Pub. L. No. 111-371, 124 Stat. 4072.

32 Section 3 of the Local Community Radio Act of 2010 prohibits the Commission from reducing the minimum co-channel, first- and second-adjacent channel distance separation requirements between LPFM and full service stations. Thus, the Commission is not permitted by the Act to eliminate Section 73.807, the rule specifying the minimum distance separations between stations applicable to LPFMs. However, under the Petitioner's proposal, the equivalent rule for full service non-reserved FM band

(footnote continued on next page)

spectrum efficiency. For example, FM stereo, subcarrier uses and in-band on-channel digital broadcasting have been fostered without the need to allocate more spectrum. The interstices in the non-reserved FM band have allowed for opportunities for LPFM and FM translators. Under the contour protection scheme promoted by Petitioner, where only present demand is considered, future needs and innovative enhancements that have not yet crystalized may well be squeezed out, along with opportunities for new services to underserved communities.

III. THE SPACING REQUIREMENTS IN SECTION 73.215(E) ARE A SAFETY-VALVE NECESSARY FOR THE CO-EXISTENCE OF STATIONS AND INTERFERENCE-FREE RECEPTION BY THE PUBLIC

For those stations whose modifications do not meet Section 73.207 spacing tables, and thus choose to short-space pursuant to Section 73.215, the Commission has set out minimum distance spacing requirements (of a lesser degree than Section 73.207) in Section 73.215(e). Subsection (e) was adopted "[i]n response to concerns of spectrum overcrowding," and consequently, "the Commission retained minimum but lesser spacing requirements for Section 73.215 applicants …" 33 Nevertheless, again using the "mature" argument, Petitioner proposes elimination of Section 73.215(e).

But maturity has not changed the uncertainty of the propagation curves. It is well understood that the F(50,50) and F(50,10) propagation curves on which predicted service and interfering contours are based for the purpose of Section 73.215, and for which Petitioner proposes all allocations are to be made, do not always match reality, and many stations provide service – and cause interference – beyond the standard predicted contours. The calculations

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stations, Section 73.207, would be eliminated for minor modification applications. This lop-sided impact would reduce LPFM opportunities as full service stations fill voids unavailable to LPFMs.

33 *Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 13 FCC Rcd at 14866 [¶ 36].

supporting F(50,50) contour predictions focus only on radial data at distances between 3 km and 16 km from the transmitter site, 34 and assume a delta-h of 50 meters, 35 and thus are averaged representations of actual ground factors. Recognizing that the standard contour methodology is not always reflective of real-word conditions, the Commission has authorized in Section 73.313(e) the use of alternative prediction methodologies under certain circumstances.

That interference within protected service areas can occur notwithstanding the lack of predicted contour overlap is evident when contour overlap rule-compliant FM translators cause interference to neighboring full power stations. 36 FM translators, however, are secondary services, and the FCC has imposed a clear hierarchy and retains cessation powers to protect full power stations from predicted contour shortcomings. 37

Given the imperfection of predicted contours, the minimum distance spacing table in Section 73.215(e) serves as a critical safety valve to Section 73.215 authorizations—providing necessary breathing room between short-spaced stations. Thus, the Section 73.215(e) spacings are integral to the functioning of Section 73.215, a system that has permitted additional siting flexibility for stations that choose it, while protecting the expectations and the real world service provided by surrounding stations.

IV. CONCLUSION

In sum, the Petition's proposals might advance the individual interests of certain non-reserved FM band stations, but at a high price to the public interest. The Petition's

34 *See* 47 C.F.R. § 73.313(d).

35 *See* 47 C.F.R. § 73.313(f).

36 *See, e.g.*, *Radio Power, Inc.*, DA 11-1727 (Chief, Audio Div. rel. Oct. 18, 2011) (FM translator meeting 47 C.F.R. §74.1204 contour overlap rule caused interference complaints within protected service area of co-channel full power station).

proposals, taken individually, or together, would undermine the current cohesive and efficient spacing system that accommodates newcomers and innovative uses, as well as the expansion of existing signals and necessary relocations, while limiting interference, as the public has come to expect.

Respectfully submitted,

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37 *See* 47 C.F.R. §74.1203 (FM translator stations not permitted to continue to operate if it causes interference to the direct reception of the off-the-air signals of any authorized broadcast station).

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October 28, 2011